



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft City Council

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Tuesday, May 6, 2025

9:00 AM

BIG ARTS - 900 Dunlop Road

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### 1. CALL TO ORDER

The meeting convened at 9:00 a.m.

### 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Johnson)

Councilmember Johnson gave the Invocation and led the Pledge of Allegiance.

### 3. ROLL CALL

**Present:** 5 - Mayor Mike Miller, Vice Mayor Holly Smith, Councilmember Laura DeBruce, Councilmember John Henshaw, and Councilmember Richard Johnson

### 4. SET THE AGENDA

Mayor Miller noted the shade session scheduled for 12 p.m. and spoke to the Sergeant Neri remembrance ceremony scheduled for this afternoon at the flagpole.

The agenda was set as published.

### 5. PLANNING COMMISSION REPORT (Chair Nichols)

Chair Nichols provided the following report:

Since last report the Planning Commission met twice and the Land Development Code Review Subcommittee met once.

At the April 8th meeting:

- Public hearing and consideration of an appeal to building permit BLDR-2025-000255 for new construction of a home located at 1305 Seaspray Lane. Commission remanded the item back to the Floodplain Administrator with the resolution to come back at the April 22nd meeting for adoption. The motion passed by a vote of 6-0 with Commissioner Colter recused due to being the principal contractor.
- Public hearing and consideration of a variance to allow for elevating an existing nonconforming single-family residence located at 1495 Angel Drive. The application was approved by a vote of 6-0 with Commissioner Colter absent.
- Public hearing and consideration of a conditional use permit to allow an increase in density for below market rate housing located at 1517 Periwinkle Way. The resolution forwarding to Council for consideration of approval passed by a 6-0 vote with Commissioner Colter absent.

- Discussion was held regarding the possibility of reviewing the notification and appeal processes for building permits at an upcoming Land Development Code Review Subcommittee meeting.

At the April 22nd meeting:

- Public hearing and consideration of a long form development permit to allow a revision to the planting plan within the rip-rap water ward of the existing seawall located at 1610 Middle Gulf Drive. The application was approved by unanimous vote.
- Public hearing and consideration of variances to allow for redevelopment of multi-family housing dedicated to the below market rate housing rental program located at 1517 Periwinkle Way. The motion passed by a vote of 6-0 with Vice Chair Steiner abstaining due to being Vice Chair on the Community Housing and Resources (CHR) Board.
- Public hearing and consideration of variance requests to allow proposed redevelopment of a single family residence on a lawfully existing nonconforming lot located at 1528 San Carlos Bay Drive. The hearing was continued indefinitely at the applicants request by unanimous vote.
- Review and approval of Resolution 25-07 relating to the appeal of the Floodplain Administrator's interpretation of building permit BLDR-2025-000255. The resolution was adopted with a slight revision to wording by a vote of 6-0 with Commissioner Colter recused due to conflict of interest as principal contractor.

At the LDC Subcommittee meeting:

- Discussions on the following topics - all of which were forwarded to the Planning Commission for further consideration.
  - \* Solar EV charging Stations
  - \* Temporary Flood Barriers
  - \* R2P2 Town Center
  - \* Alternative Shorelines

The next Commission meeting will be May 13th.

Discussion ensued regarding the success of the joint City Council and Planning Commission workshops and Council express appreciation for the hard work of the Commission. Council inquired as to the reasoning for the hearing being continued. Mr. Nichols summarized the postponement. Council further inquired about the flood barrier discussions. Mr. Nichols spoke to topics discussed, noting it will be going to Commission.

## **6. PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

Public Comment:

- Mitch Koppelman - Sanibel Resident - spoke to concerns with the signage for the

school speed zone

- Arlene Dillon - Vice President of the Tradewinds Home Owners Association - thanked Council for the culvert cleanout project, expressed appreciation for the hard work of the contractors, and thanked City Manager and City Attorney for addressing distressed and dangerous properties,
- Ken Burgener - spoke to Park Rangers needing to be in vehicles, wearing hats not baseball caps, and the need for signs on Rabbit Road directing to the bike path.

Police Chief William Dalton spoke to the signage for the school zone being intended for school times only and advised the signs would be checked for clarity. Council inquired if the speed would be controlled for special events on the weekend. Chief Dalton advised it would only be enforced as permitted by statute during school hours. Discussion ensued regarding when the 20 miles per hour speed is in effect.

## 7. PRESENTATION(S)

- a. Recognition of the Employee of the 2nd Quarter, Fiscal Year 2025 (rescheduled from April 1, 2025)

Human Resources Director Crystal Mansell noted Michael Hedrick and Grace Towler as honorable mentions for the Employee of the Second Quarter. Ms. Mansell spoke to the achievements of Detective Michelle Rose upon being elected Employee of the Second Quarter. Mayor Miller provided Detective Rose with a letter of appreciation, certificate and check.

- b. Lee County Bar Association Law Day and Officer of the Year Proclamation

Mayor Miller read into record and presented Police Chief William Dalton and Corporal James Serrago with a proclamation celebrating Law Day and Corporal Serrago being recognized as Sanibel Law Enforcement Officer of the Year. Chief Dalton expressed his appreciation for Corporal Serrago's service. Council expressed their congratulations.

- c. Proclamation declaring May 6, 2025 as Sergeant Anthony Neri Day on Sanibel

Mayor Miller read into record the proclamation declaring May 6th as Sergeant Anthony Neri Day, advising there will be a remembrance ceremony at the City Hall flagpole today at 4:30 p.m.

- d. Proclamation declaring the week of May 18, 2025 through May 24, 2025 as National Public Works Week

Mayor Miller read into record and presented Public Works Director Fred Mittl a proclamation recognizing National Public Works Week. Director Mittl expressed his appreciation for his Staff.

e. Matt Caldwell, Lee County Property Appraiser

Mayor Miller introduced Lee County Property Appraiser Matt Caldwell who spoke to the process for evaluating and establishing property values. Discussion ensued regarding the properties needing to have been substantially complete (bathrooms and air conditioning working) by January 1st.

Discussion ensued regarding the status of property owners' concerns being addressed regarding values and adhering to the 50% rule for recovery.

f. Presentation by Diana Wilson, Island Water Association (IWA)

Mayor Miller introduced Diana Wilson, Island Water Association General Manager, who provided a brief PowerPoint presentation regarding building water system resiliency.

Council expressed their appreciation for Ms. Wilson's service and presentation. Discussion ensued regarding the extensive efforts following the storm, the volume of water that flows through the system daily, and the status of the deep injection wells. Council inquired if Island Water assists with the reclaimed water processing, to which Ms. Wilson advised was a Public Works process.

Further discussion ensued regarding the possibility of using reclaimed water for irrigation, saving funds relative to RO processes and reducing deep well injection costs. Discussion turned to the need for Sanibel and Captiva residents to comply with the irrigation regulations to reduce strain on the water load.

Council inquired if assistance were needed for funding/grant opportunities. Ms. Wilson spoke to current efforts, advising there were no federal opportunities at this time. Continued discussion ensued regarding water use for irrigation and capacity capabilities of the plant daily.

Council inquired as to the plant's capacity to include South Seas and Captiva. Ms. Wilson spoke to having the capacity at the time of the request to accommodate. City Manager Souza spoke to conversations at the County and State levels regarding sharing the funds between the Police Department construction project and the IWA upgrades. He further spoke to the effluent study and requested reports regarding distribution between Sanibel and Captiva, as well as the high irrigation usage accounts on Sanibel.

Discussion ensued regarding a letter from IWA regarding taking on increased units. Ms. Wilson responded that the last communication would have been based on the calculations in the current list of projects.

- g.** Proclamation recognizing the week of May 4, 2025 through May 10, 2025 as the 56th Annual Professional Municipal Clerks Week

Mayor Miller read into record and presented City Clerk Scotty Lynn Kelly and Deputy City Clerk Anna Hicks with a proclamation recognizing Municipal Clerks Week. Council members expressed their appreciation for the City Clerk's Department.

- h.** Proclamation declaring May 2025 as National Cities, Towns, and Villages Month

Vice Mayor Holly Smith, as Vice President of the Florida League of Cities, read into record a proclamation declaring May as National Cities, Towns, and Villages Month.

- i.** Hurricane Recovery Update

- i. Discussion of Dashboard Data

Doug Congress and Chauncey Goss provided a brief background and presentation of the Charitable Foundation of the Islands hurricane recovery dashboard website. Mr. Congress advised the full website and dashboard were expected to go live in June.

Discussion ensued regarding the benefits of the data and monitoring the status of businesses returning and success of their operations. Continued discussion ensued regarding the ombudsman position and getting to a point of resiliency to ensure recovery for the next storm.

Council spoke to looking forward to the Florida Gulf Coast University (FGCU) Students collaborating with the City to gather the data. City Manager Dana Souza spoke to including landing pages on the city's new website when it goes live next month.

- ii. Ombudsman Discussion

City Manager Souza spoke to the background of the proposed ombudsman position and items for consideration of filling the position.

Council spoke to the desire for a contract, possibility of creating a citizen group to determine options, the ombudsman being a proactive position, and the need being for a contracted ombudsman to establish if there is a need for a full time employee ombudsman.

Council inquired as to whom City Manager Souza was considering for the position. Mr. Souza spoke to individuals that had been reached out to or were being

considered. He further spoke to the perception that the position will be a city position as opposed to a citizen group.

Council recommended consideration of a Sanibel Resident as opposed to a Fort Myers attorney or planner, and utilizing a contracted person for developing the position to become a full time employee. Discussion continued regarding support of a contracted position, utilizing a local person, and proceeding with the process. Further discussion ensued regarding not limiting the City Manager in hiring, strongly recommending a resident of the community, and/or looking at it as a committee so the requirement for residency exists.

Mr. Souza spoke to not being able to require residency for a hired/contracted position but that it could be considered in the interview process. He further spoke to options for hiring or contracting, such as a hybrid contracted employee with no benefits. Council expressed concerns to ensure a self-motivated and actionable person be hired or contracted with. By consensus, Council authorized Mr. Souza to move forward.

### iii. State of Local Emergency

City Manager Souza spoke to the purpose being to consider lifting the continued state of local emergency (SOLE). City Attorney John Agnew spoke to the current code being \$250 fines.

Council spoke to continuing the SOLE until the Governor sunsets the state lifts the same. Mr. Souza spoke to the benefits of continuing the SOLE and moving from the SOLE to recovery. Council expressed concerns with devaluing the SOLE by prolonging the status.

Council inquired if the SOLE has any impact on the opportunity for funding in the next legislative session. Attorney Agnew spoke to the opportunity for amending the gas powered leaf blowers ordinance while expiring the mayoral proclamations. Council expressed support of aligning with the state and preparing to lift in June if the Governor does.

Council agreed by consensus to continue until June 13 to follow State guidance.

## **12. 12:00PM - CONVENE AN EXECUTIVE SESSION RELATING TO FRATERNAL ORDER OF POLICE (FOP) UNION NEGOTIATIONS**

Attorney Agnew spoke to the process and purpose for the shade session, advising those that will be in attendance for the union negotiations.

The meeting recessed at 11:57 a.m. and reconvened at 1:25 pm.

iv. Code Enforcement Update

City Manager Souza summarized the code enforcement list included in the agenda packet.

Council inquired how the properties were being identified. Acting Deputy Building Official Jessica McNulty spoke to the efforts by Code Enforcement Staff to implement a road by road evaluation of the island properties. Council inquired if there were metrics for recovery and consideration of elevating structures. Ms. McNulty spoke to efforts to create reports while implementing the CityView software, including a Code Enforcement module.

Discussion ensued regarding the next code hearings being scheduled for May 12th. Discussion ensued regarding the abatement allowances being sufficient for staff to address the properties. Attorney Agnew spoke to processes and options available for addressing the identified properties. Discussion ensued regarding whether the difficult properties are no longer homesteaded and the how the foreclosure process would work.

## 8. CITY COUNCIL COMMENTS

Vice Mayor Smith spoke to considering multiple meetings due to the number of presentations and additionally recognizing National Small Business Week and National Travel and Tourism Week. Further she spoke to the presentation of "The Hurricane Diaries" at 3 p.m. and the history of Bailey's video at 5 p.m. on May 15th.

Councilmember Henshaw spoke to the importance of employee recognitions and awards, as well as the benefit of the Judith Zimomra Scholarships to be presented at the June meeting.

Councilmember DeBruce spoke to offering the ombudsman as a volunteer position, attending the vegetation committee meeting which hosted Mark Thompson speaking about evapotranspiration, and asking the Planning Commission to look at Land Development Code regulations for vegetation recovery. City Manager Souza spoke to progress being made to vegetation buffer standards; requesting the specific sections of code to be addressed, Discussion ensued regarding adding the item to the next agenda for discussion and addressing under the "future agenda items" topic. Ms. DeBruce also spoke to addressing reclaimed water to expand for residential irrigation usage.

Councilmember Johnson spoke to being aware of the emotional and physical recovery taking place as well as the City recovering. Hurricane season coming up, encouraging residents and businesses to have good action plans to implement if

needed. Mr. Johnson spoke to Islands Night being held tomorrow night to celebrate the islands of Sanibel and Captiva.

Mayor Miller spoke to short term rental availability being at 57%, noted visiting Tallahassee to thank Legislators for their past support and requested additional funding, CDBG-DR funds being available which may include an allocation to Island Water Association (IWA), working on a waiver for the Police Department construction, the Community Rating System (CRS) rating being reconfirmed at level 5, and looking to get a level 4 for the next rating cycle.

Mr. Miller further spoke to the Tradewinds hazard mitigation grant program (HMGP) grant; providing a brief status update and recommending Council consider using \$3M of the existing \$15M loan for funding the Tradewinds storm water issue. Requesting Staff to report back at the next meeting.

## **9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS**

### **a. Future City Council Agenda Items (Supplement 3)**

Councilmember DeBruce requested consideration of amendments to Land Development Code (LDC) sections on vegetation Sections 90-17, 122-123, and 126-1474, and reclaimed water issues.

Vice Mayor Smith spoke to the potential for having multiple meetings each month. Discussion ensued regarding what a second meeting format would look like, how it affects staff, and items on the matrix included in the agenda packet. Further discussion ensued regarding the possibility of holding separate ceremonies for proclamations and presentations; not downgrading the importance of the recognitions covered by the proclamations. Council agreed by consensus to allow City Manager Souza the latitude to schedule items and determine the need for additional meetings. Discussion continued regarding carefully considering additional meetings for schedules and consider workshops for discussion only topics.

Councilmember Henshaw spoke to evaluating transportation in total for the island as modifications are being made (adding bike lane to Periwinkle), expanding the shared use path (SUP), benefits for the island as a whole not just certain communities, and consider holding a workshop relating to transportation. City Manager Souza spoke to an upcoming agenda item being to create a steering committee for the transportation plan.

## **10. 9:10 - SECOND READING AND PUBLIC HEARING**

### **a. Height Limitation Exception**

#### **SECOND READING - ORDINANCE 25-005 OF THE CITY COUNCIL OF THE**



**CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT, CODE, CHAPTER 126, ZONING, ARTICLE V, NONCONFORMANCES, DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-212, NONCONFORMING STRUCTURES, TO ALLOW AN EXCEPTION TO HEIGHT LIMITATION FOR RESILIENCY SPECIFIC TO THE BUILD-BACK (RECONSTRUCTION) OF NONCONFORMING STRUCTURES, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-005.

Council inquired if Section 126-212(a)(5)(b) included coverage of angle of light. Deputy Planning Director Craig Chandler confirmed it covers angle of light and maximum height. Council recommended including following the word "proportionally", the phrase ", including any angle of light restrictions.". Mr. Chandler advised that was appropriate. Attorney Agnew advised it was acceptable and understandable.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Ordinance 25-005 as written.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to amend the motion to include ", including any angle of light restrictions." The motion to amend carried.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Ordinance 25-005, with the inclusion of ", including any angle of light restrictions." as discussed. The motion carried as amended.

**b. Conditional Uses**

**SECOND READING - ORDINANCE 25-006 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION, TO AID HURRICANE RECOVERY, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-006.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to adopt Ordinance 25-006. The motion carried.

**c. Placement of Fill**

**SECOND READING - ORDINANCE 25-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO**

**PROMOTE COMMUNITY RESILIENCY THROUGH AMENDMENTS RELATED TO THE PLACEMENT OF FILL; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 78, GENERAL PROVISIONS; SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SUBSECTION 82-382(e) AND (k), FILING PROCEDURE; CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, ADDING A NEW SECTION 86-46, USE OF FILL IN DETERMINATION OF DEVELOPED AREA; CHAPTER 94, FLOODS, ARTICLE II, DEFINITIONS, DIVISION 1, GENERAL, SECTION 94-124, DEFINITIONS, AND ARTICLE III, FLOOD-RESISTANT DEVELOPMENT, DIVISION 3, SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS, SECTION 94-154, LIMITATIONS ON PLACEMENT OF FILL, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-007. Mr. Agnew advised there were two versions of the ordinance with different revisions, recommending approval with the revisions from Florida Division of Emergency Management (FDEM). Planning Director Paula McMichael spoke to the recommended revisions from FDEM.

Discussion ensued regarding the revisions being for clarification purposes.

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to adopt Ordinance 25-007 FDEM version. The motion carried.

d. BMRH Density Increase

**SECOND READING - ORDINANCE 25-008 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING AN INCREASE IN RESIDENTIAL DEVELOPMENT DENSITY AS SET FORTH AND APPROVED IN PLANNING COMMISSION RESOLUTION 25-06, CONDITIONAL USE PETITION APPLICATION CUP-2025-000255, PURSUANT TO SECTION 82-204 OF THE CODE OF ORDINANCES, ALLOWING INCREASED DENSITY FOR BELOW MARKET RATE HOUSING; TO ALLOW FOR REDEVELOPMENT OF MULTI-FAMILY HOUSING (15 UNITS) DEDICATED TO THE BELOW MARKET RATE HOUSING RENTAL PROGRAM, ON PROPERTY OWNED BY COMMUNITY HOUSING & RESOURCES, INC., AND LOCATED AT 1517 PERIWINKLE WAY, TAX PARCEL NO. 30-46-23-T1-00004.0080; INCORPORATING AND APPROVING PLANNING COMMISSION RESOLUTION 25-06; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-008. Deputy Planning Director Craig Chandler provided a brief background for the item. Discussion ensued

regarding the importance of this amendment and increase in below market rate housing.

Councilmember Johnson moved, seconded by Councilmember DeBruce, to adopt Ordinance 25-008 as written. The motion carried.

## 11. CONSENT AGENDA

### CONSENT ITEMS PULLED FOR DISCUSSION

Vice Mayor Smith requested to pull item b(iii). Councilmember Henshaw requested to pull item a(i).

#### a. ADOPTION OF RESOLUTIONS

##### i. Periwinkle Way Grant

**RESOLUTION 25-023 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$1,000,000 FOR THE REPAVING AND ELEVATION OF PERIWINKLE WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 25-023.

Discussion ensued regarding trying to include a wider shoulder or bike lane while staying within the confines of the grant.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Resolution 25-023. The motion carried.

##### iii. WM Request for a Temporary Solid Waste Collection Early Start Time. Consider approval of WM of Fort Myers request to begin solid waste collection services one hour early with a start time of 6:00 AM.

Discussion ensued regarding the request being a temporary change for residential collection of trash and recycling. Mr. Souza advised it is only residential and noted the time frame. Council inquired if this were an annual request. Deputy Public Works Director Scott Krawczuk advised it was the first time for the request and advised it would benefit the collectors to help avoid high heat times.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to approve the request for a temporary solid waste collection early start time. The motion carried.

#### b. BUSINESS ITEMS

##### i. Adoption of Minutes - March 18, 2025, Regular Meeting; April 1, 2025, Regular Meeting; April 17, 2025 Special Meeting

ii. CAP Government Agreement

- iv. Approval of grant agreement 25PLN22 from the Florida Department of Environmental Protection (FDEP) Resilient Florida Program for the “City of Sanibel Adaptation Plan” in the amount of \$88,000 and approval of a proposal from Cummins Cederberg, Inc. in the amount of \$88,000 for engineering and environmental consulting services to execute the grant agreement and complete the adaptation plan.

Approval of Consent Agenda Business Items b(i.), (ii.), and (iv.)

**Vice Mayor Smith moved, seconded by Councilmember Johnson, to approve Consent Agenda Business Items b(i.), (ii.), and (iv.). The motion carried.**

### 13. OLD BUSINESS

a. Council Liaisons Discussion

City Manager Souza spoke to the annual appointment of Council Liaisons. Council concurred with addressing the appointments line by line.

- Mayor Miller to remain PC Liaison with Councilmember DeBruce as alternate.
- BIG ARTS liaison to be Councilmember Henshaw.
- Community Housing and Resources (CHR) Councilmember DeBruce with Councilmember Johnson as alternate.
- Historical Museum and Village liaison to remain Councilmember Henshaw with Councilmember Johnson as alternate.
- Chamber Intergovernmental Affairs Committee to be Mayor Miller with Vice Mayor Smith as alternate.
- CHNEP Policy Committee to remain Mayor Miller.
- Horizon Council to remain Vice Mayor Smith.
- Lee County Coalition of Mayors to be Mayor Miller.
- Lee County Causeway to be Mayor Miller.
- Sanibel School PTA and School Fund as Councilmember DeBruce with Councilmember Henshaw as alternate.
- Lee County School District to remain Vice Mayor Smith.
- Metropolitan Planning Organization (MPO) and Executive Committee (MEC) remain Mayor Miller with Councilmember Johnson as alternate.
- Tourist Development Council (TDC) to remain Vice Mayor Smith.
- Lee County Recovery Task Force to remain Vice Mayor Smith if the task force were to reconvene.
- US Conference of Mayors to be Mayor Miller.
- National League of Cities (NLC) Voting Delegate to be Vice Mayor Smith.
- Florida League of Cities (FLC) Voting Delegate to be Vice Mayor Smith.
- Bring back FLC policy committees when sign-ups open.

- FLC Mayor's Round Table to be Mayor Miller.
- Florida League of Cities Federal Strike Team (FAST) to be Vice Mayor Smith.
- Florida Municipal Loan Council (FMLC) to be Vice Mayor Smith.
- Florida Municipal Insurance Trust (FMIT) as Councilmember Johnson.
- Southwest Florida League of Cities (SWFLC) as Vice Mayor Smith.

**Vice Mayor Smith moved, seconded by Councilmember Johnson, to approve the liaison list as discussed. The motion carried.**

**b. Discussion and direction regarding the December 15, 2025 build back permit due deadline**

Planning Director Paula McMichael summarized the memorandum included in the agenda packet, provided a brief background and recommended options available.

Council inquired as to how ground level homes fall in the list, discussed the Elevate Florida Program, considered extending for a year, and expressed appreciation for the excellent report presentation.

Public Comment:

- Dave Bunch - Owner at Gulf Beach - spoke to the insurance issues holding up recovery and redevelopment- recommending option 3 be approved

Ms. McMichael spoke to recommending option 3 while also acknowledging Gulf Beach and Sand Piper were legally constructed and working to ensure they are no longer non-conforming structures. Discussion ensued regarding what Staff's recommendation would be, concerns with the workload imposed on Staff, some members supporting extending for an additional 12 months, and not letting the exceptions hamper recovery. Further discussion ensued regarding efforts to put pressure on redevelopment, allow it to come back to Council, and at least one member of Council not supporting a 1-year extension. Council inquired if a 6-month extension would be sufficient, asking staff or the new ombudsman to follow up, and all Council Members supported options 3 and 4.

Councilmember Henshaw advised he would be voting no, only due to the 1-year extension. Attorney Agnew noted this would be guidance to Staff and go to Planning Commission for review and consideration before coming back to Council at a future date.

**Councilmember Johnson moved, seconded by Councilmember DeBruce to Extend the deadline for all nonconforming uses and structures for an additional 12 months and Create an exception in the D-2 Upland Wetlands Ecological Zone to allow the use of "multifamily building" on the two existing nonconforming use properties (Gulf Beach Condo and Sandpiper Beach Condo). The motion carried by a vote of 4-1 with Councilmember Henshaw opposed.**

**Opposed:** 1 - Councilmember John Henshaw

**c. Steering Committees for Sanibel Plan Update and Transportation Master Plan**

Planning Director McMichael provided a brief background for the request. Discussion ensued regarding support of the committees and attracting the organizations that would have valuable input into the updates. Council suggested not have a representative of FISH, making that a second citizens at large seat, and keeping an odd number of numbers for each committee.

Public Comment:

- Mitch Koppelman - Committee of the Islands (COTI) - expressed appreciation for being included in the makeup of the committees.

Discussion ensued regarding the Committees meeting in the sunshine and Council inquired if updating the Sanibel Plan would be included. City Manager Souza spoke to Sanibel Captiva Conservation Foundation (SCCF) working to update the Sanibel Report, which would feed into the Sanibel Plan update. Discussion ensued regarding the Clerk taking applications for the citizen-at-large seats for Council to make appointments at a future date.

Council inquired what the timeline for creating and sun-setting the committees would be. Ms. McMichael advised the process would take about 18 months for the committees, then an additional 18-24 months for the resulting code amendments process.

**Vice Mayor Smith moved, seconded by Councilmember Johnson, to approve option 1, with the removal of a Representative from FISH from the Sanibel Plan Update Committee, increasing to 2 citizen-at-large positions on that committee, and approving the Transportation Plan Committee as written. The motion carried.**

**d. Sanibel Rangers Update**

The meeting recessed at 4:05 p.m. for the Sergeant Neri remembrance ceremony and reconvened at 5:00 p.m.

Police Chief William Dalton provided a brief PowerPoint presentation and update regarding the Sanibel Rangers program. City Manager Souza spoke to qualifications of the Rangers.

Council inquired if the age ranges for miles driven were comparable and if speeds could be controlled. Chief Dalton spoke to options for enforcing the current ordinance. Discussion ensued regarding how to determine the class, the goal being to eliminate reckless riding, and the criteria for issuing a citation. Attorney Agnew spoke to Florida Statute language regarding reckless driving.

Discussion ensued regarding how to address the tourist population changes weekly and consider altering the types of bikes or mobility devices that are allowed on the paths.

Public Comment:

- Gus Alfonso - Sanibel Resident - requested consideration of allowing class II and III e-bikes on the paths.
- Billy Kirkland - Billy's Bikes - spoke to the importance of e-bikes allowing for ADA accommodations.

Discussion ensued regarding the speed of the bikes, behaviors, and capacity of the paths being key issues affecting safety. Further discussion ensued regarding classes not being the issue while behaviors are, the need for improving and updating the paths, signs promoting appropriate behaviors, citing for recklessness, Continued discussion ensued regarding the need to update the paths before addressing the types of bikes that are allowed.

City Manager Souza spoke to the obligation to enforce ordinances that are on the books and the need to amend the ordinance in order to not enforce. Discussion ensued regarding enforcing while still offering warnings. Council supported having the Officers and Rangers use discretion to determine citation or warning issuances.

e. Shared Use Path

**DISCUSSION ONLY - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 66, TRAFFIC; AMENDING ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, INCLUDING SECTION 66-161, DEFINITIONS, SECTION 66-164, USE OF BICYCLE PATHS/CROSSWALKS, AND SECTION 66-171, PENALTIES; AND AMENDING ARTICLE VIII, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Recreation Director Andrea Miller provided a brief background and summary of the draft ordinance. Police Chief Dalton advised he was supportive of the proposed fines.

Discussion ensued regarding updates in Section 66-164 falling under the tiered approach in 66-171, Article VIII now matching guidelines for ADA compliance, and being consistent with other sections of code for motor vehicles. Discussion turned to clarification of OPDMD devices.

Council inquired regarding page 2, Article VIII, Section 66-241(2). Ms. Miller advised the rider would have to have a permit displayed. Attorney Agnew spoke to a caveat that could be included. Discussion turned to the language of "golf cars/carts", which Ms. Miller advised were prohibited on the paths, though allowed on roads if street legal. City Manager Souza recommended bringing back next month.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to forward to first reading.

The motion was withdrawn.

f. Special Event Permit Fees

**RESOLUTION 25-022 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE SPECIAL EVENT SCHEDULE OF FEES; PROVIDING FOR ADDITIONAL FEE FOR SUBSTANTIAL REVISIONS OF APPROVED SPECIAL EVENT PERMITS; PROVIDING FOR FEE FOR MAILING OF PERMITS; ESTABLISHING A FEE FOR THE RENTAL OF CITY HALL GROUNDS; AND PROVIDING AN EFFECTIVE DATE**

Recreation Director Andrea Miller summarized the purpose for the amendments. Attorney Agnew read into record the title of Resolution 25-022.

Discussion ensued regarding fee 3 being high, concerns that the fee is prohibitive, and the fees being to recover costs not make money. Ms. Miller spoke to the reasoning for the green space fee and how the amount was calculated. City Manager Souza spoke to the fees not being for cost recovery but for exclusive use of a facility. Council inquired if there were a discount for non-profits, to which Ms. Miller advised there was not.

Council further expressed concerns with competing with other organizations with similar facilities, setting the non-resident fee at no less than two times the resident fee. Ms. Miller inquired if that method would be applied across the board for fees to non-residents.

Council concurred with bringing back at the next meeting.

g. Status of Guinness World Record Contract and Funding Sources (Supplement 2)

Recreation Director Andrea Miller provided an update on the contract negotiations. She further spoke to efforts to obtain funding assistance.

Discussion ensued regarding possibility of self sanctioning a record setting event.

h. Financial Update for Hurricanes Milton, Helene, Idalia and Ian (Supplement 2)

Deputy City Manager Steve Chaipel provided a brief financial update PowerPoint presentation.

Council expressed appreciation for the update and recommended collecting data to create programs for better resiliency and recovery, minimize debris, spoke to concerns for contractors' availability following an event, and possibility of clearing our own debris.

Council inquired about the risk of losing funding due to lack of progress on work.



Council spoke about meeting with Senator Scott's Staff and the challenges with red tape, after 3 years, expressed frustrations with reviews from FEMA for funding for the city in light of hurricane recovery. Mr. Chaipel advised all requested information had been provided while still being rejected, or told more information was needed.

Council concurred with the hurricane financial update being informational on monthly agendas.

- i. Agreements for Wastewater Biosolids Hauling and Disposal Services with Karle Enviro-Organic Recycling, Inc. and Wind River Environmental, LLC. The initial term of the proposed contracts shall be for a period of five (5) years with two (2) optional one (1) year extensions. Motion to approve staff's ranking of the wastewater biosolids hauling and disposal services contractors and authorize the City Manager to enter into contracts with the two top ranked firms, Karle Enviro-Organic Recycling, Inc. and Wind River Environmental, LLC.

Jason Goodrich, Deputy Utilities Director, spoke to the background for the agreements.

Discussion ensued regarding Karle Enviro being the current and past contractor.

**Councilmember Henshaw moved, seconded by Councilmember Johnson, to approve staff-recommended rankings and authorize the City Manager to execute contracts with Karle Enviro-Organic Recycling, Inc. as the primary contractor and Wind River Environmental, LLC as the secondary contractor for wastewater biosolids hauling and disposal services. The motion carried.**

## 14. NEW BUSINESS

- j. Strategic Goals Discussion

City Manager Souza recommended addressing item 14(a) next due to public participants having waited all day.

- a. Wulfert Channel and Dinkins Bayou Dredge Project Discussion (Supplement 2)

City Manager Souza provided a brief summary of the proposed projects.

Public Comment:

- Jason Cohen - Sanibel Resident - spoke to causality and responsibility, the tax assessment area, the need to tax Captiva residents that use the Wulfert channel, create a special tax district, fight for funding from state/federal levels, and have Lee County assist with the Wulfert dredge.

Discussion ensued regarding whether the whole proposed district had buy in. Mr. Cohen spoke to providing incentives and the neighborhood recognizing the need for the project. Council inquired if there were distinctions between the different projects.

City Manager Souza spoke to not being able to determine exactly where the sand came from and looking at options for cost savings.

Council inquired if the size of dredge area could be reduced and if that would exacerbate the reoccurrence. Mr. Souza spoke to evaluating options.

Discussion ensued regarding the assessment map being different than the dredge map, supporting consistency of the 33.3% split, and process for amounts to be paid back. Mr. Souza spoke to this area being first due to imminent need and to the process for establishing the assessment district. Further discussion ensued regarding utilizing the bridge loan, timing, possibility of being done by September 2025, considering a resolution in June for intent to establish the district, set up of the assessment district, waiting for the Army Corps of Engineers (ACOE) permit for Dinkins Bayou dredge, and Wulfert Channel being done first.

**j. Strategic Goals Discussion**

City Manager Souza spoke to the purpose for the discussion item and summarized the memorandum included in the agenda packet.

Discussion ensued regarding putting recovery at the top being the critical order.

**Vice Mayor Smith moved, seconded by Councilmember Henshaw, to approve as listed. The motion carried.**

## **15. INFORMATIONAL ITEMS**

- a. Hazard Mitigation Grant Project Update (East Rocks, Tradewinds)**
- b. Water Quality Report from Natural Resources Department**
- c. Clam Bayou Dune Recovery Project**
- d. Finance Department Reports**
  - i. Causeway Counts**
  - ii. Grants Report**
- e. Sanibel Historical Museum & Village, Inc. Financial Reports**
- f. MacKenzie Hall Update (Supplement 3)**
- g. 2025 Shared Use Path Survey Report and Presentation**

No discussion held on informational items.

## **16. CITY MANAGER'S REPORT**

### **a. Presentation - New City Website**

Public Information Officer Eric Jackson provided a brief overview of the upcoming new website.

Discussion ensued regarding efforts to make Laserfiche records accessible to the public, link to CityView on the homepage.

Discussion continued regarding cleanup of old data happening during the migration to the new website, cleaning up links for ensuring all data is updated together, and incorporating CityView and EnerGov links on the website.

## **17. CITY ATTORNEY'S REPORT**

No further report.

## **18. COUNCIL MEMBERS' REPORTS**

No further reports.

## **19. PUBLIC COMMENT**

There were no public comments from the audience.

## **20. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:29 p.m.